

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

CHRISTOPHER L. BIRD,) 3:10-CV-00649-ECR-VPC
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: October 14, 2011
)
RECONTRUST COMPANY, N.A.; BAC HOME)
SERVICING, LP, a subsidiary of)
BANK OF AMERICA, N.A., f/k/a)
COUNTRYWIDE HOME LOANS SERVICING)
LP; MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.; JOHN)
DOES 1 through 10; and DOE)
CORPORATIONS 1 through 10,)
)
Defendants.)
)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

This case arises out of a foreclosure of Plaintiff's residence. Now pending before the Court are Plaintiff's motion (#22) for summary judgment and Defendants' motion (#28) to strike Plaintiff's motion for summary judgment pursuant to Federal Rule of Civil Procedure 12(f).

Summary judgment is appropriate where no genuine issue of material fact remains in dispute and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). In this case, Plaintiff seeks summary judgment on a claim for wrongful foreclosure. However, Plaintiff admits that the operative complaint contains no such claim. (Pl.'s Resp. Def.'s Mot. Strike at 2 (#36).) Plaintiff is not entitled to judgment as a matter of law on a claim that Plaintiff has failed to plead.

IT IS, THEREFORE, ORDERED that Plaintiff's motion (#22) for summary judgment is **DENIED**.

IT IS FURTHER ORDERED that Defendants' motion (#28) to strike is **DENIED** as moot.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk